

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JUAN A. SANTA CRUZ
BACARDI, et al.

Plaintiffs

vs.

METRO PAVIA HOSPITAL, INC, et
al.

Defendants

CIVIL NO. 16-2455 (RAM)

ORDER

RAÚL M. ARIAS-MARXUACH, District Judge

Because the Court is of the view that expert testimony regarding the standard of care is essential in this case, and the Court struck the expected testimony of Plaintiffs' expert Dr. Ian Cummings (Docket Nos. 103 and 118), defendant Dr. Máximo Blondet Passalacqua ("Dr. Blondet") is ordered to file a motion for summary judgment. See Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986) (finding that summary judgment is proper when a party fails to sufficiently establish the existence of an element essential to that party's case [here, a standard of care], and on which that party will bear the burden of proof at trial). Likewise, the Court considers this to be potentially conducive to a "just, speedy, and inexpensive" determination of this long-running Civil Action. See Fed. R. Civ. P. 1.

Therefore, the Court **GRANTS** co-defendant Dr. Blondet **twenty-one (21) days** to file a motion for summary judgment pursuant to Fed. R. Civ. P. 56. The motion for summary judgment shall also comply with Local Rule 56. Moreover, Plaintiffs shall have **twenty-one (21) days** to respond to Dr. Blondet's motion.

The Parties' deadline to file a Proposed Pretrial Report is reset for **December 2, 2019**. Likewise, the Pretrial Conference is reset for **December 11, 2019 at 9:00 AM**.

The trial setting of **January 13, 2020** remains in effect.

IT IS SO ORDERED.

In San Juan Puerto Rico, this 17th day of September 2019.

S/ RAÚL M. ARIAS-MARXUACH
United States District Judge